



Application No. 10/723,940
Attorney Docket No. VARD-07989

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sherry Leonard *et al.*
Serial No.: 10/723,940
Filed: 11/26/2003
Entitled: Promoter Variants of the Alpha-7 Nicotinic Acetylcholine Receptor

Group No.: 1649
Examiner: Standley, S.H.

**PRELIMINARY AMENDMENT AND RESPONSE TO
FINAL OFFICE ACTION MAILED JULY 26, 2007**

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 460 954 204 US, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 28, 2008

By: Karen B. Webber
Karen B. Webber

Dear Examiner Standley:

This communication is responsive to the Final Office Action of July 26, 2007, and largely duplicates the communication submitted by Applicants on September 26, 2007. Although the prior communication was submitted before the deadline to provoke an Advisory Action had expired, neither an Advisory Action nor a Notice of Allowance has been received. Accordingly, Applicants are compelled to submit herewith a Request for Continued Examination (RCE) and a three-month extension of time to prevent the instant application from going abandoned. As the apparent inaction by the Office has necessitated one or both of the RCE and extension, Applicants respectfully request a refund of one or both of the RCE fee (\$810.00) and the extension fee (\$1050.00), through a credit to Deposit Account No. 08-1290.